BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Da	te: _	16 June 200	4	Division:	Growth Ma	nagement
Bulk Item:	Yes	No	<u>X</u>	Department:	Marine Resources	
Additional Pu	blic H "No A	Anchor Zone" re	ding clarifica	ation on an Ordinance amen tegory and insert a "Motorb	ding Chapter 5.5-108 (d), Eparts Prohibited" category as	Boats Docks, and Waterways to nd to establish Veradero Beach
though adopted Title 33, of the adoption of a area is a probe "Motorboats determination motor from p	dopted by ne Cod "Mote lem. A Prohil that t assing	d Ordinance 40- the Board, does the of Federal Re- orboats Prohibit At the Commiss bited, changing the item needed through or stop	s not fit the segulations (Coted" zone who sion meeting it instead to more staff in pping in the	State of Florida Uniform State of Florida Uniform State Would not paich is provided in the specific of 19 May the item was init o "No Motor Zone." The imput. Staff stands by the origarea. This is the only way to	ate Waterways Marking Sypermit a No Anchor Zone. Led CFR. The State acknown ially approved with a modifier was brought up later a ginal draft of the ordinance that the unwanted congregat	This regulatory zone category, stem as specified in Part 62, of Instead the State suggested the reledges that the Veradero Beach fication to the critical definition, to the 19 May meeting with the as prohibiting any vessel with a sion of motorized vessels can be only property will still be able to
November 20 April 2004 - A May 2004 – I	003 – 0 Appro Reque	st for additional	003 e proposed of l staff input a	rdinance amendment and clarification of the Ordin	ance	
NA NA	CIIA	GREEMEN	VI CHAIV	GES:		
STAFF RI Approval	ECO:	MMENDAT	TONS;			
TOTAL C	OST	: <u>NA</u>		В	DOGETED: Yes	No
COST TO	CO	UNTY:	NA	sc	OURCE OF FUNDS:	
REVENU	E PR	ODUCING:	Yes _	No <u>X</u> AM	IOUNT Per Month	Year
		SY: Count				nagement <u>NA</u> . Management Jahre
DOCUME	ENTA	ATION: I	ncluded _	X To Follow		
DISPOSIT	rtan	J.			AGENDA ITEM	NO.:

ORDINANCE NO. 2004

MONROE COUNTY AN ORDINANCE OF THE BOARD COMMISSIONERS AMENDING CHAPTER 5.5 MONROE COUNTY CODE (BOATS, DOCKS, AND WATERWAYS), TO DELETE SEC. 5.5-1 (1) THE DEFINITION OF A "NO ANCHOR ZONE," TO CREATE THE DEFINITION SEC. 5.5-1 (k) OF A "MOTORBOAT," TO MODIFY 5.5-108 (D) "NO ANCHOR ZONE" TO READ "MOTORBOATS PROHIBITED" ZONE, AND TO ESTABLISH VARADERO BEACH AS A "NO ZONE," MOTORBOAT **PROVIDING** FOR SEVERABILITY, PROVIDING FOR REPEAL OF INCONSISTENT **ORDINANCE** CLAUSES, PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the shallow waters adjacent to the shoreline at what is locally known as Varadero Beach on the bayside of Key Largo have become inundated with boaters anchoring and creating a health and safety nuisance as well as a quality of life issue for the adjacent property owners; and

WHEREAS, Monroe County owns a parcel on the cove at Varadero Beach which is impacted by the boating aggregations as well; and

WHEREAS, the County adopted Ordinance 40-2003 to protect the area as a "No Anchor Zone;" and

WHEREAS, the State of Florida would not permit a "No Anchor Zone" as the adopted zone would not fit the Uniform State Waterways Marking System as specified in Part 62, of Title 33, of the Code of Federal Regulations (CFR); and

WHEREAS, the state has agreed in principle that the County's concern is legitimate and indicates that a "Motorboats Prohibited" zone would be a more appropriate regulatory zone for the situation, which is identified in the Part 62, Title 33, CFR, now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT the following revision is made to Chapter 5.5, Monroe County Code:

<u>Section 1.</u> Sec. 5.5-1 Definitions, is hereby amended to delete sub-section (1) the definition of "No Anchor Zone.

Section 2. Sec. 5.5-1. Definitions, is hereby amended to add the following definition:

(k) *Motorboat* means any vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation. This definition is synonymous with the definition of motorized vessel

[renumber accordingly in code book]

- Section 3. Sec. 5.5-108 (d) Boat restricted zones is hereby amended to read as follows:
 - (d) Motorboats Prohibited Zones. No motorboat as defined herein shall enter an area established by County Ordinance as "Motorboat Prohibited Zone".
 - (1) Varadero Beach: To include an area within three hundred (300) feet of shore along the cove on the bayside of Key Largo, known as Varadero Beach at approximately mm 95.6 bayside and as shown graphically in the attached map. Kayaks, canoes and similar exclusively human powered vessels are allowed in this zone.

[renumber accordingly in code book]

- <u>Section 4.</u> If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.
- Section 5. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.
- <u>Section 6.</u> The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.
- <u>Section 7.</u> This Ordinance shall be filed with the Office of the Secretary of State of the State of Florida, and will take effect upon receipt by that agency.

Marine Resources

	ND ADOPTED by the Board of eting of said Board held on the	-	mission of		Florida at		
		Mayor Murray E. Nelson					
		Mayor Pro Tem David P. Rice Commissioner George Neugent Commissioner Charles Sonny McCoy					
	·						
		Commission	ommissioner Dixie Spehar				
		BOARD OF COUNTY COMMIS MONROE COUNTY, FLORIDA					
		BY:					
			MAY	OR/CHAIR PERSON			
(SEAL)							
ATTEST:	DANNY L. KOLHAGE, CL	ERK					
BY:	·		APPR	OVED AS TO FORM	I AND-		
	DEPUTY CLERK		<u>LEG</u> A	L SUFFICIENCY			
			BYC	7/108			
			-	ATTORNEY'S OFF	FICE		

Varadero Beach NO ANCHOR ZONE





